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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003237

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SUBJECT: JUVENILE JUSTICE IN BAGHDAD

Classified By: Baghdad PRT Team Leader Andy Passen for reasons 1.4(b) a  
nd (d)

¶11. (U) This is a Baghdad Provincial Reconstruction Team  
(PRT) reporting cable.

¶12. (C) SUMMARY: PRT Baghdad Rule of Law (ROL) Team meetings with Juvenile Police, Juvenile Judges and Investigators, Rehabilitation School personnel, the High Judicial Council (HJC), and officials in the Ministries of Labor and Social Affairs, Interior, and Justice, made clear an overwhelmed Iraqi juvenile justice system that lacks the physical and conceptual capability to handle its burgeoning juvenile detainee population. Without system reform and capacity enhancement, the lack of detention space likely will result in mixing juveniles with adults, which could perpetuate the development of a more punishment-oriented juvenile justice system compared with the rehabilitative model that existed prior to 2003 and is still required under Iraqi law. Increased USG resources aimed at improving the juvenile justice system in Baghdad will be necessary to mitigate the coming potential crisis. End Summary.

¶13. (C) The GOI currently lacks the capability to cope with its overwhelming juvenile criminal population due to a lack of equipment, adequate physical structures, and qualified personnel. There are two Baghdad juvenile facilities: Tobschi pre-trial Juvenile Rehabilitation School with a capacity of 204, but currently holding over 320 youth; and Karkh post-trail Juvenile Rehabilitation School with a capacity of 225, but currently holding approximately 314 youth. (Note: Iraqi juvenile jails and prisons are known as "Rehabilitation Schools" End note.)

¶14. (C) Poor treatment and a lack of rehabilitation for juvenile offenders contradicts an Iraqi juvenile justice system that is traditionally more punishment-oriented, and will not be in compliance with GOI laws regarding the humane treatment and rehabilitation of juvenile offenders. Prior to 2003, the Iraqi juvenile justice system focused on prevention through a holistic approach to rehabilitation, and served as a model in the Middle East. The number of offenders in rehabilitation centers was minimal and most arrests were for low-level crimes. In addition, the GOI housed juveniles pre- and post-trial in Baghdad in four separate juvenile rehabilitation facilities that segregated convicted juveniles into year groups, i.e. one facility housed convicted juveniles ages 18-23 by groups of three in a room. The facilities had soccer fields, workshops (with skills training in sewing and woodworking), and schoolrooms. After 2003, squatters occupied all the Rehabilitation Schools. Only the Tobschi detention facility was reoccupied by the GOI, but it does not currently offer the same amenities for juvenile rehabilitation as it did pre-2003

¶ 15. (C) Current facilities are insufficient to separate the juvenile inmates by age, as is required under Iraqi law. The GOI converted the Karkh adult detention center into a Rehabilitation School; however, both the Karkh and Tobschi facilities have only large holding/sleeping rooms, each holding up to approximately 50 juveniles and inadequate vocational training, schooling, and physical exercise spaces.

Juveniles are separated from their family support system in these centralized facilities, and sometimes exposed to extremist ideology. Delays in removing innocent juveniles and petty-crime juveniles from this situation increase the likelihood of influences that could lead to criminal lifestyles, extremism, and terrorism.

¶ 16. (C) The GOI did not adequately anticipate the substantially increased criminal juvenile population as a result of CF activities. GOI funding as a result is focused primarily on facility reconstruction and immediate security needs. Without additional resources it is likely that the GOI will continue to make juvenile justice system improvements a low priority, at least until the CF attempt to transition the juvenile population to the GOI.

Comment

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¶ 17. (C) Baghdad PRT ROL Advisors plan continued aggressive collaboration with the Baghdad Juvenile Justice Coordinating Committee (JJCC) to seek juvenile system stakeholder agreement to the following changes in the system: increased GOI support for Rehabilitation School housing and professional staff; increased High Juridical Council (HJC) support for Juvenile Court capability and capacity enhancement through the construction of modern facilities,

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increased court staffing, and development of staff technical skills; and creation of modern technical skill vocational training for long-term detained youth through partnership with, for example, the Ministries of Oil and Electricity, so that upon completion of training and their release, juvenile offenders can be hired by the GOI.

¶ 18. (C) Potential sources of external collaboration to effect these changes include 1) utilizing DOS International Narcotics and Law Enforcement (INL) funding for construction of needed Rehabilitation School facilities, rehabilitation of Iraq Juvenile Police Stations, and provision of equipment and training; 2) engaging United Nations representatives to develop youth diversion programming and staff training for Juvenile Police, MOLSA, and Juvenile Court staff; and 3) encouraging participation by the GOI, European Union, European Commission, and Coalition Forces to provide resources on agreed diversion tactics for juveniles and long-term strategies to enhance youth commitment to the GOI.

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